

**NOTICE AND AGENDA**  
**BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**  
**Board of Directors**  
**Regular Meeting**

Public notice is given that the Big Plains Water And Sewer Special Service District, Apple Valley, Washington County, Utah will hold a **regular meeting** on **Thursday, September 05, 2019** at the **Apple Valley Town Hall**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at **6:00 PM** or shortly thereafter. In accordance with state statute, one or more council members may be connected via speakerphone.

The Agenda for discussion and action is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call

Activity Reports

1. Dale Harris
2. Engineering-Rod Mills

Discussion and Action

3. Discussion on Adoption of Rules and Regulations; Personal Use of Public Property Policy Resolution BPW-2019-04
4. Bids for Cook and Jessop Wells
5. Container Delivery for Canaan Storage

Consent Calendar

6. Consent Calendar July 2019

Approval of Minutes

7. Approval of Minutes for August 1st, 2019

Adjournment

CERTIFICATE OF POSTING: I, Michelle Kinney, as duly appointed Recorder for the Big Plains Water and Sewer Special Service District hereby certify that this notice was posted at the Utah Public Notice website <http://pmn.utah.gov> and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on the **30th day of August, 2019**.

**Dated this 30th day of August, 2019**

Michelle Kinney, Recorder  
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS  
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should notify the Town of Apple Valley at 435-877-1190.

**Big Plains Water and Sewer Special Service District**  
**Resolution BPW-2019-04**  
**RULES AND REGULATIONS**  
**PERSONAL USE OF PUBLIC PROPERTY**

**WHEREAS, the Big Plains Water and Sewer Special Services District is required to adopt a policy in response to HB 163 that deals with the misuse of public property; and**

**WHEREAS, the Big Plains Water and Sewer Special Services District Board discussed the following proposed policy on September 5<sup>th</sup>, 2019; and**

**WHEREAS the Big Plains Water and Sewer Special Services District board was in favor of this policy and at a meeting duly called, noticed, held, and upon motion duly made and seconded;**

**NOW THEREFORE, It is resolved that the District adopts this policy as follows;**

**A.     Purpose:** This shall be known as the Big Plains Water and Sewer Special Service District (“District”) Personal Use of Public Property Policy, or the “Policy”. It has been adopted for the purpose of regulating the use of District-owned, leased, held, operated or managed equipment, vehicles, office supplies, devices, tools, facilities and other District-owned personal and real property (herein “District Property”).

**B.     Background/Effective Date:** The Utah Legislature adopted, and the Governor signed into law, H.B. 163, with an effective date of July 1, 2019. H.B. 163 deals with the misuse of public funds and, more specifically, public property, inasmuch as public property was not previously included in the criminal statute to the same extent as public funds. Since the misuse of public property can result in criminal charges, including felony charges, the District desires to adopt this Policy to clarify what may constitute a misuse of District Property and to authorize the personal use of District Property under certain circumstances. Since the law which this Policy is intended to address is not effective until July 1, 2019, this Policy shall become effective upon the later of July 1, 2019 or the date this Policy is approved by the governing body of the District.

**C.     Definitions:** For purposes of this Policy the following words will have the following meanings:

**1.     “Public Servant”** means an elected official of the District; an appointed official of the District; an employee, consultant, or independent contractor of the District; or a person (including an individual, an entity, or an organization) hired or paid by the District to perform a government function. *See* Utah Code Ann. § 76-1-601(14). A person becomes a “public servant” upon the person’s election, appointment, contracting or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.

2. **“Public Property” and “District Property”** are interchangeable and mean and include any real or personal property that is owned, leased, held, operated or managed by the District, including Public Property that has been transferred by the District to an independent contractor for the purpose of providing a program or service for or on behalf of the District. In the event and to the extent the Public Property is consumed or rendered effectively valueless to the District as a program or service is provided to the District by an independent contractor or as the Public Property is utilized by District employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or District management deems fit, unless otherwise directed by the District. *See Utah Code Ann. § 76-8-101(5).*

3. **“Authorized Personal Use”** means any personal use that is authorized pursuant to this Policy. As provided in Utah Code Ann. § 76-8-402(1), a public servant may use District Property for a personal matter and personal use of District Property is allowed when: (a) (i) the public servant is authorized to use or possess the Public Property to fulfill the public servant’s duties owed to the District; (ii) the primary purpose of the public servant using or possessing the Public Property is to fulfill the public servant’s duties to the District; (iii) the personal use is in accordance with this Policy; and (iv) the public servant uses and possesses the District Property in a lawful manner in accordance with this Policy; or (b) the personal use of District Property is incidental, such as when: (i) the value provided to the District by the public servant’s use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the public servant’s personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of District Property by a public servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this Policy. The District recognizes that third parties may benefit indirectly or directly from a public servant’s personal use, or official use, of the District’s Public Property, which benefit is specifically condoned and authorized by this Policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule or ordinance, including but not limited to state statutory law and rules and regulations of the District.

**D. Personal Use:**

1. **Devices:** Communication and other devices, such as mobile phones, landline phones, and computers, that are owned by the District may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls during a break, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive. Similarly, District owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not “on the clock”, and is not excessive.

2. **Physical Facilities:** Personal activities by public servants at District-owned, leased, managed and/or maintained facilities, such as meeting family members or

friends for short periods of time, are allowed, provided they do not become excessive or disruptive.

**3. Office Supplies/Shop Supplies/etc.:** Office supplies, shop supplies and other District-owned supplies and items of personal property are intended for uses that directly benefit the District. Incidental personal use of the same by public servants is allowed, such as the use of District-owned office supplies including pens, pencils and paper, provided that such incidental personal use is not excessive.

**4. Miscellaneous:** Any District Property that does not fall under any of the above classifications may nevertheless be utilized by a public servant for incidental personal uses.

**E. Subsequent Modifications/Higher Law:**

**1. Policy Not Exhaustive:** The governing body of the District reserves the right to add to, delete from or change this Policy at any time. The Policy stated above is not necessarily inclusive because, among other reasons, unanticipated circumstances may arise and other rules or regulations of the District may apply. The District may vary from the Policy, subject to the application of applicable state and federal laws, if the circumstances so justify.

**2. Higher Law to Control:** In the event of any conflict between the Policy and any applicable federal or state law, rule or regulation, the law, rule or regulation, including amendments and modifications thereto, shall control to the extent of such inconsistency.

PASSED by the Water District Board this 5<sup>th</sup> Day of September 2019, and becomes effective upon approval by the Apple Valley Town Council in the Town Council Water Oversight Meeting Dated \_\_\_\_\_.

\_\_\_\_\_  
Harold Merritt (BPW Chairperson)

\_\_\_\_\_  
Mayor Marty Lisonbee

Votes by Board Members

Votes by Town Council

Harold Merritt \_\_\_\_\_  
Niel Duncan \_\_\_\_\_  
Ross Gregerson \_\_\_\_\_  
Denny Bass \_\_\_\_\_  
Marty Lisonbee \_\_\_\_\_

Marty Lisonbee \_\_\_\_\_  
Debbie Kopp \_\_\_\_\_  
Michael McLaughlin \_\_\_\_\_  
Paul Edwardsen \_\_\_\_\_  
Denny Bass \_\_\_\_\_

## **OPENING**

Chairman Merritt brought the meeting to order at 6:00 p.m. welcoming all in attendance and led the Pledge of Allegiance.

## **PRESENT**

Chairman Harold Merritt  
Mayor Marty Lisonbee  
Board Member Ross Gregerson  
Board Member Neil Duncan

Town Recorder Michelle Kinney  
Finance Director Ben Billingsley

## **ABSENT**

Denny Bass

### **1. Consumer Confidence Report- Dale Harris**

Dale mentions the state sets up the sampling schedule based on the quality of water and issues that have been identified in the past. Certain samples are done every few years. Quarterly samples are done on Well 59 because it's a new start up. Once they have a good baseline for Well 59 the sampling schedule will be modified. Dale went through the 2020 Update training with IPS recently. In 2020 the criteria will be more stringent.

Chairman Merritt asks for an update from Dale on road repairs. Dale mentions that he will get 28 square feet of cold patch for \$500.

Dale mentions that 58 blue stake requests came in today. Blue Stakes is taking a considerable amount of time with amount of work being done near the highway.

Board Member Gregerson asks about the telemetry issues. Dale mentions the pumps are not clicking on. Dale would like to get the pumps automated so he can turn pumps on and off from a laptop.

### **Report from Rod-**

Chairman Merritt asks if there has been any movement on the Gooseberry project. Rod mentions they have been in contact about the agreement and finding the optimal site for the tank. Rod is coordinating surveying to verify property lines and will begin working on obtaining easements for this.

## **2. Canaan Storage**

The Webb family has a lot of parts and the district has agreed to take these. Board Member Gregerson is looking at a container that will be wind and water tight. The container is 40 feet and will cost between 3 and 4 thousand dollars

**MOTION:** Chairman Merritt motions to procure a 40 foot cargo container for storage by the Canaan water tank in the \$3,000 to \$3,500 range.

**SECOND:** Board Member Duncan

Mayor Lisonbee asks if this container will meet town code.

**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye  
Mayor Lisonbee- Aye  
Board Member Duncan- Aye

The vote was unanimous and the motion carried.

## **3. Bids for Cook and Jessop Wells**

Dale hasn't heard anything on this as of now. They will have more information for the next meeting. PTIF funds are available to work on the system. They would like to get the Jessop and Cook well in shape with these funds. These are single phase pumps. In Cedar Point it will be a 3 phase pump. Board Member Gregerson will prepare the paperwork for bids if he can get the numbers for the curves. Rod mentions the generator required for the gooseberry system. It will be mobile, housed at the booster station at the bottom of the hill, and available for use within the system.

## **4. Well 59 Fence- Award Bid**

They had 3 bids come in for this and Andrew Black is the cheapest of the bids. The bid is for \$3,200.00.

**MOTION:** Chairman Merritt proposes that we accept this bid from Black for \$3,200.

**SECOND:** Board Member Gregerson

**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye

Mayor Lisonbee- Aye  
Board Member Duncan- Aye

The vote was unanimous and the motion carried.

**5. Big Plains Audit Engagement with Hinton Burdick**

**MOTION:** Chairman Merritt moves to have Hinton Burdick do the audit for this year.  
**SECOND:** Board Member Ross  
**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye  
Mayor Lisonbee- Aye  
Board Member Duncan- Aye

The vote was unanimous and the motion carried.

**6. Consent Calendar**

**May 2019**

**June 2019**

**MOTION:** Mayor Lisonbee motions to accept the consent calendar  
**SECOND:** Board Member Ross  
**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye  
Mayor Lisonbee- Aye  
Board Member Duncan- Aye

The vote was unanimous and the motion carried.

**7. Approval of Minutes**

**June 6, 2019**

Board Member Gregerson asks about the \$900,000 concerning water rights mentioned in the minutes, and if that is correct. Ben mentions that is the dollar amount of water rights the district has booked on the balance sheet as assets. They have a meeting scheduled with Rod on the water rights matter and tracking down the paper trail on where the rights are located.

**MOTION:** Board Member Gregerson moves to approve the June 6, 2019 minutes.  
**SECOND:** Board Member Duncan

**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye  
Mayor Lisonbee- Aye  
Board Member Duncan- Aye

The vote was unanimous and the motion carried.

### **Adjournment**

**MOTION:** Board Member Merritt motions to adjourn  
**SECOND:** Board Member Ross  
**VOTE:** Chairman Merritt called for a vote:  
Board Member Gregerson – Aye  
Chairman Merritt – Aye  
Mayor Lisonbee- Aye  
Board member Duncan- Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:40 p.m.

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Harold Merritt, Chairman

ATTEST BY: \_\_\_\_\_  
Michelle Kinney, Recorder